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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) No. CR 08-00534 JF  
11 )  
Plaintiff, ) STIPULATION AND ~~PROPOSED~~  
12 ) ORDER CONTINUING HEARING  
vs. )  
13 )  
ROGELIO ESPINOZA-BAZA, )  
14 )  
Defendant. )  
15 \_\_\_\_\_ )

16  
17 **STIPULATION**

18 The parties hereby stipulate and agree that the initial district court appearance currently  
19 set for Wednesday, September 10, 2008 may be continued to Wednesday, September 24, 2008 at  
20 9:00 a.m. The reason for the requested continuance is to permit the defense to investigate  
21 whether venue properly lies in this district before the parties conclude their fast-track settlement  
22 negotiations.

23 The parties further stipulate and agree that 14 days may be excluded from the time within  
24 which trial shall commence, as reasonable time necessary for effective defense preparation,  
25 pursuant to Title 18, United States Code Section 3161(h)(8)(A) and (h)(8)(B)(iv).  
26

1 Dated: September 5, 2008

2 s/  
3 DANIEL R. KALEBA  
4 Assistant United States Attorney

5 Dated: September 5, 2008

6 s/  
7 CYNTHIA C. LIE  
8 Assistant Federal Public Defender

9 **[PROPOSED] ORDER**

10 Good cause appearing and by stipulation of the parties, it is hereby ordered that the  
11 sentencing hearing currently scheduled for Wednesday, September 10, 2008 shall be continued to  
12 Wednesday, September 24, 2008 at 9:00 a.m.

13 It is further ordered that 14 days shall be excluded from the time within which trial shall  
14 commence under the Speedy Trial Act, as the reasonable time necessary for effective defense  
15 preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(8)(B)(iv).

16 Dated: September <sup>9</sup>\_\_\_\_, 2008

17   
18 JEREMY FOGEL  
19 United States District Judge  
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